

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

V.R., a minor, by and through his parent
J.T.,

Plaintiff,

v.

UNIVERSITY PLACE SCHOOL
DISTRICT,

Defendant.

CASE NO. 3:21-cv-05318-LK

ORDER

This matter comes before the Court upon Plaintiff's Unopposed Motion to Dismiss with Prejudice, Dkt. No. 21, and the Notices of Settlement filed by the parties, Dkt. Nos. 20, 22.

Plaintiff moves to dismiss this matter with prejudice because the parties have resolved the matter via execution of a settlement agreement. Dkt. No. 21 at 1. However, the Motion fails to address the requirements of Local Civil Rule 17(c).

Rule 17(c) requires that the Court appoint an independent guardian ad litem who is an attorney-at-law in any case involving court approval of a settlement involving the claim of a minor or incompetent. *See also* Fed. R. Civ. P. 17(c). The guardian ad litem is obligated to

1 “investigate the adequacy of the offered settlement and report thereon.” LCR 17(c). The Court
2 may, however, dispense with the appointment of the guardian ad litem “if a general guardian has
3 been previously appointed for such minor or incompetent, or if the court affirmatively finds that
4 the minor or incompetent is represented by independent counsel.” *Id.* The Court thus DENIES
5 Plaintiff’s Motion without prejudice.

6 Pursuant to the Notices of Settlement filed by the parties, Dkt. Nos. 20, 22, the Court
7 VACATES the trial date and pretrial deadlines set by its August 10, 2021 order. Dkt. No. 12.
8 Further, by March 21, 2022, the parties are DIRECTED to either submit a petition seeking the
9 appointment of a settlement guardian ad litem pursuant to Federal Rule of Civil Procedure 17
10 and Local Civil Rule 17 or, in the alternative, file briefing addressing whether the parties’
11 settlement requires the Court to appoint a guardian ad litem and approve the settlement.

12 Dated this 18th day of February, 2022.

13 

14 Lauren King
15 United States District Judge
16
17
18
19
20
21
22
23
24